

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated April 4, 2007 (hereinafter Office Action) have been considered, and reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the §112 rejection of Claims 15, 21, 31 and 36, Applicant notes that these claims are not product-by-process or product-by-system claims but rather are system and apparatus claims written using functional language. Use of such language is permissible under MPEP §2173.05(g), and functional language does not, in and of itself, render a claim improper. *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971). Although these claims are not indefinite due to the use of functional language, each of the claims has been amended to provide more explicit structural limitations. Dependent Claims 16 and 18-20 have also been amended for reasons related to antecedent basis. The claims are not believed to be indefinite, and Applicant requests that the rejection be withdrawn.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter and in an effort to facilitate prosecution, Applicant has amended each of the independent claims to indicate that one or more limitations for the use of the virtual identifiers are predetermined and that the predetermined one or more limitations are taken into account in communication between two user equipments. Support for these changes, as well as for new dependent Claims 37-52, may be found in the instant Specification, for example, at paragraph [0027]; therefore, the changes do not introduce new matter. The pending claims are believed to be patentable over the asserted references for the reasons set forth below.

The relied-upon teachings of U.S. Publication No. 2001/0029496 by Otto (hereinafter "Otto") and U.S. Patent No. 7,069,249 to Stolfo *et al.* (hereinafter "Stolfo") do not teach or suggest each of the now-claimed limitations, such as those directed to predetermined limitations for use of a virtual identifier and use of such predetermined limitations in connections between first and second user equipments. For example, Otto is directed to creating an anonymous financial identity in order to expand a user's ability to

use the account rather than limit the user's purchasing options. Also, Stolfo is directed to stripping a user computer's IP address and entirely replacing it with a proxy address where limitations to the proxy address (asserted as corresponding to the claimed virtual identifier) would result in limitations on use of the user's computer. Thus, neither Otto nor Stolfo appear to teach the now-claimed limitations directed to predetermined limitations on use of a virtual identifier. As neither of these references teaches such limitations, any combination thereof must also fail to teach such limitations. Without correspondence to each of the claimed limitations, the §103(a) rejections would be improper. Applicant accordingly requests that the rejections be withdrawn.

With respect to the rejections of various dependent claims, the further reliance on the teachings of WO 00/12364 to Lumme *et al.* (hereinafter "Lumme") and U.S. Patent No. 6,968,385 to Gilbert (hereinafter "Gilbert") does not appear to overcome the above-discussed deficiencies in the teachings of Otto and Stolfo. Neither Lumme nor Gilbert appears to at least teach predetermining limitations for use of a virtual identifier. As neither Lumme nor Gilbert teaches or suggests these claim limitations, any combination of these teachings with those of Otto and Stolfo must also fail to teach such limitations. Thus, the §103(a) rejection of dependent Claims 9, 13, 23, 27, 32, 33 and 35 should also not be maintained. Applicant accordingly requests that the rejections be withdrawn.

With particular respect to dependent Claim 6 and independent Claim 34, Applicant notes that these claims are not included in any of the statements of rejection. MPEP §707.07(d) indicates that where a claim is refused the word "reject" must be used and the statutory basis for any ground of rejection should be designated by an express reference in the opening sentence of each ground of rejection. While it appears that the Examiner intended to reject Claims 6 and 34 upon the same basis of the rejection of Claims 1-3, 5, 8, 10-12, 14-16, 18-22, 30 and 31, such a rejection would be improper for the reasons discussed above in connection with the failure of the asserted combination of Otto and Stolfo to correspond to the claimed invention. If this was not the Examiner's intention, Applicant requests clarification, an opportunity to respond, and that any future rejections comply with MPEP §707.07(d).

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.055PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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